



TASTY BAKING COMPANY



ORIGINAL

VIA UPS

June 29, 2012

Mr. Kenneth I. Rose, III  
Financial Analyst  
U.S. EPA Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: Tasty Baking Company  
Response to CERCLA Section 104 Information Request

Dear Mr. Rose:

Enclosed is the response of Tasty Baking Company ("TBC") to the Request for Information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e) dated March 12, 2012<sup>1</sup> from Region 3 of the United States Environmental Protection Agency ("EPA") (the "Information Request") regarding the Metro Container Site in Trainer, Pennsylvania (the "Site"). In submitting this request, TBC does not waive, and hereby expressly reserves, any objections to the Information Request.

As you know, TBC submitted a response to a previous information request from EPA regarding the Site in May, 1988. TBC has been able to locate a copy of TBC's response dated May 25, 1988 ("TBC's May 25, 1988 Response") and a copy of is attached to this response. Much of the information contained in TBC's May 25, 1988 Response responds to the current Information Request and, to the best of TBC's knowledge, the information contained in TBC's May 25, 1988 Response is correct. TBC has fully cooperated with EPA regarding the Site, and welcomes the opportunity to further demonstrate its cooperation in responding to this Information Request.

I thank you for cooperation in this regard. Please feel free to contact me with any questions.

Very truly yours,

David Vidovich  
Vice President Operations

<sup>1</sup> The Information Request is has two different dates on it; March 9, 2012 and March 12, 2012. The Information Request was received by TBC on March 26, 2012.

## **Response to Request for Information Dated March 12, 2012**

### **RE: Metro Container Site, Trainer, Pennsylvania**

#### General Response

Tasty Baking Company ("TBC") provides the following response to the information request letter from Region 3 of the United States Environmental Protection Agency ("EPA"), dated March 12, 2012 (the "Information Request"), addressed to Tastykake Inc./Tasty Baking Company. According to the Information Request, it is issued with reference to an investigation of the Metro Container Site in Trainer, Pennsylvania ("Site") pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e).

EPA's Information Request references a prior response by TBC to an EPA § 104(e) request dated April 1988. TBC has been able to locate a copy of TBC's response dated May 25, 1988 ("TBC's May 25, 1988 Response"). A copy of TBC's May 25, 1988 Response is attached hereto. To the best of TBC's knowledge the information contained in TBC's May 25, 1988 Response is correct.

EPA's Information Request does not identify a particular facility of TBC alleged to have generated hazardous substances that came to be present at the Site. Based upon the location of the Site, and TBC's May 25, 1988 Response, it is reasonable to assume that any potential connection to the Site would have involved TBC's former bakery facility at 2801 Hunting Park Avenue in Philadelphia, Pennsylvania ("Facility"). Accordingly, the focus of the investigation conducted in order to prepare this response is the Facility.

You should be advised that in 2010 TBC closed the Hunting Park Avenue property and relocated its operations to the Philadelphia Navy Yard. Also, in 2011, TBC was acquired by Flowers Foods Inc. TBC is now a wholly owned subsidiary of Flowers.

#### General Objections

TBC objects generally to the following aspects of the Information Request:

1. TBC objects to the "Definitions" contained in the Information Request to the extent that they extend beyond the definitions contained in CERCLA.
2. Specifically and without limiting the foregoing, TBC objects to the definition of "you" to the extent it requires TBC to consult with persons other than its employees and agents for purposes of submitting its response. TBC shall respond based upon its knowledge and a diligent inquiry of its records and employees, but the Information Request identifies no legal authority for requiring TBC to seek out and question members of the general public, such as former employees or agents.

3. TBC objects to this request to the extent it seeks information beyond the scope of Section 104 of CERCLA to the extent it seeks information which is not related to the (i) identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at the Site; (ii) the nature and extent of any release which occurred or is threatened to occur at the Site; or (iii) the ability of a person to pay for a clean up at the Site. Subject to and without waiving this objection TBC provides the following information:

The following specific responses are all made subject to these general responses and objections.

#### Specific Responses and Objections

1. ***EPA has information which indicates that you sent drums to the Metro Container Site between 1980-1988 from one or more of your facilities. For each such facility, identify:***

a) ***the address of the facility; and***

**RESPONSE:** TBC has examined available records and is unable to identify any additional information regarding any facility which sent drums to the Site. In addition, other than the information contained in TBC's May 25, 1988 Response, TBC has been unable to locate any records indicating a business relationship with Metro Container. Based on the locale of the Site and TBC's May 25, 1988 Response TBC believes that any potential connection to the Site may have involved TBC's former facility at Hunting Park Avenue in Philadelphia, Pennsylvania (the "Facility"). That Facility is no longer operating and most records related to its operation are no longer in existence. Based on a review of TBC's May 25, 1988 Response, TBC may have sent empty drums to Metro Container between 1986 and 1988. See TBC's May 25, 1988 Response for additional information.

b) ***the products/materials produced at such facility between 1980-1988.***

**RESPONSE:** TBC objects to this request to the extent it seeks information beyond the scope of Section 104(e) of CERCLA in that it purports to require TBC to identify materials and/or products and other information which is not related to the Site or to the (i) identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at the Site; (ii) the nature and extent of any release which occurred or is threatened to occur at the Site; or (iii) the ability of a person to pay for a clean up at the Site. Subject to and without waiving this objection TBC provides the following information:

TBC has been unable to locate any additional records regarding products and materials produced between 1980-1988. The TBC Hunting Park Facility was a producer of baked goods and consumer grade food products for distribution and retail sale. The materials produced by TBC between 1980 and 1988 would have included sweet baked goods included but not limited to pies, cakes, and donuts as well as other assorted food products. These products produced by TBC between 1980 and 1988 would not have generated or contained any hazardous substances that would have been sent to the Site.

2. ***Identify the processes used between 1980-1988 to produce the products/materials identified in response to Question #1.***

**RESPONSE:** TBC objects to this request in that it is overly broad and is beyond the scope of Section 104(e) of CERCLA to the extent that it purports to require TBC to identify processes and other information which is not related to the Site or for the other purposes authorized by Section 104(e) of CERCLA as outlined in the objection to Question # 1 above. Subject to and without waiving this objection TBC provides the following information:

TBC has been unable to locate any additional records regarding processes used by TBC between 1980-1988. The TBC Hunting Park Facility was a producer of consumer grade food products for distribution and retail sale. The processes used by TBC between 1980 and 1988 would have included mixing, baking and packaging and distribution of sweet baked goods. These processes used by TBC between 1980 and 1988 would not have generated or contained any hazardous substances that would have been sent to the Site.

3. ***Identify the raw materials used in the processes identified in response to Question #2.***

**RESPONSE:** TBC objects to this request in that it is overly broad and is beyond the scope of Section 104(e) of CERCLA to the extent that it purports to require TBC to identify materials and/or products and other information which is not related to the Site or for the other purposes authorized by Section 104(e) of CERCLA as outlined in the objection to Question # 1 above. Subject to and without waiving this objection TBC provides the following information:

TBC has been unable to locate any records regarding raw materials used in the baking processes by TBC between 1980-1988. Raw materials used by TBC between 1980 and 1988 would have included flour, sweeteners, eggs, food grade oils, flavorings and shortening. The Facility would also have used paper products, such as corrugated cardboard, wood pallets and plastics to package bakery foods. As stated in TBC's May 25, 1988 Response, the overwhelming majority of any materials kept in drums at the Facility would have been food products such as apple juice concentrate, banana puree, molasses, fruit fillings etc. A small number of drums may have contained detergents, food grade lubricants, non-food grade lubricants such as those used in lubricating internal machine parts, or adhesives. Any drums would have been emptied prior pick up Metro Container. The raw materials used by TBC between 1980 and 1988 would not have generated or contained any hazardous substances that would have been sent to the Site. See TBC's May 25, 1988 Response for additional information.

4. ***Identify all wastes and by-products generated between 1980-1988 from the processes identified in response to Question #2.***

**RESPONSE:** TBC objects to this request in that it is overly broad and is beyond the scope of Section 104(e) of CERCLA to the extent that it purports to require TBC to identify materials and/or products and other information which is not related to the Site or for the other purposes authorized by Section 104(e) of CERCLA as outlined in the

objection to Question # 1 above. Subject to and without waiving this objection TBC provides the following information:

TBC has been unable to locate any records regarding wastes and/or by-products generated by TBC between 1980-1988. The only wastes or by-products generated by TBC between 1980 and 1988 would have included solid waste such as packaging waste, food grade wastes such as baked dough, icing, etc. TBC would have used some small amounts of solvents to clean equipment, but solvents were not contained in drums. Waste solvents were removed by Safety-Kleen and would not have been sent to the Site. These wastes and by-products would not have been sent to the Site. Other than empty drums and the possibility of residues from food products, lubricants and adhesives that may have been in any drums sent to Metro Container, TBC did not generate any hazardous substances, wastes or by-products between 1980 and 1988 that would have been sent to the Site. See TBC's May 25, 1988 Response for additional information.

**5. For each raw material and waste/by-product identified in response to Questions #3 and #4:**

- a) Identify the chemical composition.*
- b) Provide a copy of all documents referring to or related to the composition of such raw material and waste/by-product including, but not limited to, chemical analyses performed on such raw materials and wastes/by-products; and*
- c) Identify how each waste/by-product was disposed of between 1980 and 1988.*

RESPONSE: TBC objects to this request in that it is overly broad and is beyond the scope of Section 104(e) of CERCLA to the extent that it purports to require TBC to identify raw materials and waste/by products that would not have gone to the Site and other information which is not related to the Site or for the other purposes authorized by Section 104(e) of CERCLA as outlined in the objection to Question # 1 above. Subject to and without waiving this objection TBC states that it has identified no additional information regarding raw materials or wastes or by-products from the Facility between 1980 and 1988. TBC refers EPA to TBC's May 25, 1988 Response. TBC did not send wastes or by-products to the Site. TBC's May 25, 1988 Response identifies contents that may have been present in drums that may have gone to the Site. As stated in TBC's May 25, 1988 Response, any drums which may have gone to the Site would have been emptied prior to being picked up by Metro Container.

**6. *Identify all chemicals/constituents that would have been present in drums present at any time between 1980-1988 at the facilities identified in response to Question #1(a).***

RESPONSE: TBC objects to this request in that it is overly broad and is beyond the scope of Section 104(e) of CERCLA to the extent that it purports to require TBC to identify chemical constituents of raw materials and waste/by products that would not have gone to the Site and other information which is not related to the Site or for the other purposes authorized by Section 104(e) of CERCLA as outlined in the objection to Question # 1 above. Subject to and without waiving this objection, TBC states that it has

identified no additional information regarding the chemicals/constituents that would have been present in materials contained in drums between 1980-1988. TBC refers EPA to TBC's May 25, 1988 Response which identifies the contents that would have been present in drums that may have gone to the Site. As stated in TBC's May 25, 1988 Response, drums which may have gone to the Site were emptied prior to being picked up by Metro Container.

7. ***Identify the number of drums/containers sent to the Metro Container Site from the facilities identified in response to Question #1;***

RESPONSE: TBC refers EPA to TBC's May 25, 1988 Response which identifies the approximate number of drums that may have gone to the Site.

8. ***Identify the procedures used to determine which drums present at any time at your facilities would be sent to the Metro Container Site.***

RESPONSE: TBC refers EPA to TBC's May 25, 1988 Response which identifies the procedures for determining when drums would be sent to the Metro Container Site. The overwhelming majority of the drums that may have gone to the Site, would have contained food product. As stated in TBC's May 25, 1988 Response drums which may have gone to the Site were emptied prior to being picked up by Metro Container.

RESPONSE:

9. ***Identify the chemicals/constituents contained in the drums you sent to the Metro Container Site.***

RESPONSE: TBC states that it has identified no additional information regarding the chemicals/constituents that would have been present in the materials contained in drums between 1980-1988. TBC refers EPA to TBC's May 25, 1988 Response which identifies the materials which would have been contained in any drums that may have been sent to the Metro Container Site.

10. ***If you assert in response to Question #9 that some or all of the drums sent to the Metro Container Site were empty, identify the chemicals/constituents that would have been in the drums before they were emptied.***

RESPONSE: TBC believes that any and all drums sent to the Site would have been emptied of their contents. TBC's May 25, 1988 Response indicates the possibility of a small amount of certain residues that might have been present in drums that may have gone to the Site and provides estimates of those amounts. TBC has no additional information regarding these estimates and cannot verify the estimates.

11. ***Identify, and provide a copy of, all contracts and agreements between you and Metro Container Corporation or any related entity under which drums were sent from your facilities to the Metro Container Site.***

RESPONSE: Based on TBC's May 25, 1988 Response, TBC did not have any written contracts or agreements with Metro Container Corporation or any related entity. TBC has not identified any additional information other than that provided in the May 25, 1988 Response.

12. ***Provide the name, title, address, and telephone number of the person answering these questions on your behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.***

RESPONSE: TBC objects to this request in that it is overly broad and is beyond the scope of Section 104(e) of CERCLA and to the extent that it purports to require the identification or disclosure of any information that is protected by The Privacy Act of 1974, 5 U.S.C. § 552a or similar legislation protecting personal information of individuals. Subject to and without waiving the foregoing objection TBC states that between April, 2012 and June, 2012, David Vidovich, Vice President – Operations, surveyed over 100 employees, including hourly employees that were with the bakery from 1980-1988, all salaried employees (except those in the sales department) who searched for physical copies of records and were unable to locate any records related to Metro Container. The following also assisted in the preparation of this response:

David Vidovich  
Vice President – Operations  
Flowers Foods, Inc.  
4300 S. 26th Street  
Philadelphia, PA 19112

Lisa A. Hanssen  
Associate General Counsel  
Flowers Foods, Inc.  
4300 S. 26th Street  
Philadelphia, PA 19112  
(215)-221-8563

and

John H. Grady, Esq.  
Jones Day  
1420 Peachtree Street  
Atlanta GA 30309  
(404) 581-8316

13. *If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:*
- a. *Your document retention policy;*
  - b. *A description of how the records were/are destroyed (burned, archived, trashed, etc.);*
  - c. *The approximate date of destruction;*
  - d. *A description of information that would have been contained in the documents; and,*
  - e. *The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.*

RESPONSE: TBC objects to this request in that it is overly broad and beyond the scope of Section 104(e) of CERCLA to the extent that it purports to require production of TBC's document retention policy and other information which is not related to the Site or for the other purposes authorized by Section 104(e) of CERCLA as outlined in the objection to Question # 1 above. Any document retention policy that would apply to the requested information, to the extent it existed, would relate to documents from the 1980's and/or early 1990's. Without waiver of the foregoing objection, states the following:

A copy of TBC's current (2009) document retention policy is enclosed.

As noted above, based on TBC's May 25, 1988 Response, TBC did not have any written contracts or agreements with Metro Container Corporation or any related entity. Therefore, TBC does not believe that any documents related Metro Container were destroyed. Generally, to the extent there may have been invoices or payment vouchers related to Metro Container, TBC's current document retention policy would have allowed the destruction of such documents.

To TBC's knowledge and belief, any remaining records from the former Hunting Park Facility would have been destroyed between June 2010 and September 2010 at the time that building was sold. However, please note that, as stated in TBC's May 25, 1988 Response, other than those provided in the May 25, 1988 Response, no records related to the Metro Container Site were identified at the time of the May 25, 1988. To the extent TBC had a formal document retention policy between 1980 and 1988, most persons responsible for the production, retention or destruction of documents are no longer with the Company. The following persons who may have had responsibilities for production, retention or destruction of documents during relevant time frames are as follows:

- (a) Employees not employed from 1980-1988 but who may have been responsible for records management of Operations department/plant



records at time of closing of Hunting Park Bakery (positions listed are as of time of termination of employment):

Autumn Bayles –Sr. VP, Strategic Operations - 8/1/03 to 10/21/11;  
Bob Bolduc –Manager, Maintenance Operations - 8/9/99 to 8/25/10;  
Steve Kowalczyk – Manager Purchasing - 8/1/90 to present;  
Alex Godun – Sr. Manager HR & Labor Relations - 10/31/05 to 8/5/11.

- (b) Employees employed sometime during 1980-1988 who may have been custodians of responsive records with retention responsibility and who may have produced such records in response to the 1988 EPA Request. Those listed as employed on June 11 2010 (last day of production at Hunting Park) may have managed (retained, stored, destroyed, etc.) responsive records if they existed on such last day of production (and full commissioning and operation of new bakery) and/or continued to exist prior to the September 7, 2010 date of sale of property to third party. (Positions listed are as of time of termination of employment or at time of merger with Flowers, if still employed.)

Joe Carboy – VP Operations and General Manager- 11/19/84 to 9/8/10;  
Jim Gallagher –Director, Plant Operations - 10/25/76 to 7/9/10;  
Joe Rama –Design & Project Engineer Supervisor - 10/23/75 to 7/8/10;  
Jeff Marthins – Director of Manufacturing - 6/27/85 to present;  
John Sawicki –Director, Research & Development - 10/5/81 to present;  
Dave Gunning –Supervisor, Food Safety Systems - 3/13/78 to 1/13/11;  
JoAnne Cerbus –Assistant Controller - 11/3/03 to 5/17/11;  
Jim Peruso - Monitor, Refrigeration & Piping; Maintenance Mechanic I - 7/11/83 to present.

- 14. *If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information that you provide in a response to this request should include the party's name, address, type of business, and the reasons why you believe that the party may have contributed to the contamination at the Site or may have information regarding the Site.***

RESPONSE: None. TBC does not have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site.

ATI-2514368v3



May 25, 1988

Mr. Lawrence Falken  
U.S. Environmental Protection Agency  
Region III  
CERCLA Removal Enforcement Section  
841 Chestnut Building, 6th Floor  
Philadelphia, PA 19107

Re: Metro Container Corp.  
Site - 3HW14

Dear Mr. Falken:

This letter is in response to the inquiries contained in the letter of April 12, 1988 from Mr. Bruce P. Smith, Chief, Hazardous Waste Enforcement Branch, in connection with the above matter.

My research indicates that Tastykake, Inc. has had a business relationship with Metro Container Corporation since approximately April of 1986. Since that time, Metro has removed a number of empty 55 gallon metal drums from our bakery located at 2801 Hunting Park Avenue, Philadelphia, Pennsylvania. The majority of these drums had contained food products, such as apple juice concentrate, banana puree, molasses, etc. A lesser number of drums contained other substances such as detergents, food grade lubricants and adhesives. The specific products are listed in the answers to the enumerated questions contained in Mr. Smith's letter.

I have gathered together all of our records with respect to Metro's removal of drums from Tastykake's premises and I would be glad to make them available to you for your examination if you believe that it would be helpful. I will also be glad to make copies for you of any particular records or documents which you feel will be helpful to you in your inquiries. However, I didn't think it would be of much help to you to simply photocopy everything we have and send it to you. I have described the records and documents available in response to question #3 of Mr. Smith's letter. As you will see, I have also attached examples of these documents to help you better understand what we would have available for you to examine.

Mr. Lawrence Falken  
May 25, 1988  
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In order to simplify my response to Mr. Smith's inquiries, I have attached Schedules A.1 through A.6. Each schedule highlights a specific "Use Group" and lists the material that we receive in 55 gallon metal drums that is included in the group. The Schedules and Use Groups are listed below.

Schedule	Use Group
A.1	Food Ingredients
A.2	Detergents/Sanitizers
A.3	Lubricants (Food-grade)
A.4	Lubricants (Non-food grade)
A.5	Packaging Adhesives
A.6	Water Treatment Chemicals

You will notice that each of these schedules includes the product manufacturer and trade name, the method used to empty the drum and whether or not a Material Safety Data Sheet is required for the product. I have also estimated the maximum number of drums for each product that could have been removed from Tastykake by Metro between 4/86 and 4/88.

Below are the responses to each of the eight enumerated paragraphs set forth on page 2 of Mr. Smith's letter. When appropriate, I will reference Schedules A.1 through A.6.

1. Tastykake does not "generate" hazardous substances in our operations. Any hazardous substance transported by Metro was in the form of residual product remaining in the original 55 gallon shipping drum.

From our phone conversations I was lead to believe that the EPA's definition of a "hazardous substance" is very inclusive. Therefore, I have attached Material Safety Data Sheets, for all applicable material transported by Metro, for your determination of hazardous constituents. The MSDS column on schedules A.1 through A.6 indicates whether or not a MSDS is required for the specific material. The attached MSDSs

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are filed in alphabetical order by manufacturer. Residual quantities are estimated below in paragraph 2.

2. Schedules A.1 through A.6 indicate the approximate number of empty drums removed by Metro from Tastykake's premises since April of 1986 in their far right column. Residual contents of these drums would be the unused portion of the product remaining in the original shipping drum. Estimated residual quantities are outlined below.

Schedule A.1. Food ingredient drums (with the exception of Chiquita Banana Puree) are tipped and drained to remove the maximum amount of product. Estimated residual - 1/4 inch. Banana Puree is fitted with a special pump to remove the product. Estimated residual - 1/2 inch.

Schedule A.2. Detergents and sanitizer drums are rinsed. Rinse-water is used as a dilute cleaning solution. Estimated residual - none.

Schedule A.3. All food grade lubricant drums are tipped and drained. Estimated residual - 1/4 inch.

Schedule A.4. Non-food grade lubricants are all tipped and drained. Estimated residual - 1/4 inch.

Schedule A.5. Packaging adhesive drums are tipped and drained. Estimated residual - 1/2 inch.

Schedule A.6. Water treatment chemical drums are tipped and rinsed. The rinse-water is used in the water treatment system. Estimated residual - none.

Schedule B.1 lists the total number of drums for Schedules A.1 through A.6, with the grand total noted. The grand total is the estimated number of drums picked up by Metro since April of 1986. This estimate is based on our purchasing records for this time period. Although not precise, I am confident that this information is substantially accurate.

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May 25, 1988  
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Schedule B.2 estimates the total residual product for all drums with components that might be deemed to be hazardous. Where applicable, residuals were estimated by product components, based on MSDS information.

3. As I explained in our telephone conversation on 4/18/88, we do not have access to our 1987 Accounts Payable records at this time. These records are off our premises being microfiched for record retention purposes. As I indicated earlier, I will be glad to make these records available for your inspection after they are returned.

Without the Accounts Payable records it will be difficult to give you the exact dates that Metro removed drums from Tastykake. In some instances our Accounts Payable records include our internal shipping receipt and Metro's receiving tickets. Both forms indicate the date Metro made a pick-up at our bakery, and the number of drums removed on that date. However, neither of the forms indicate what had been in each of the empty drums which were removed on each date.

When Metro removed the drums, they would indicate how many of the drums were good (reusable) and how many were bad (scrap). We were paid for good drums and charged by Metro for removal of the bad drums. When the charge for the removal of drums exceeded the value of the reusable drums, our internal shipping receipt and Metro's receiving ticket were forwarded to our Accounts Payable department. Records for this type of transaction in 1987, as I previously indicated, are off of our premises and not immediately available.

In instances when the value of reusable drums exceeded the cost of removing drums, all records were processed through our Accounts Receivable department. Schedule C.1 is a summary of the dates that Metro removed drums from Tastykake and the corresponding number of good and bad drums. Schedule C.1 is based on the records we have available at this time.

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May 25, 1988  
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As previously mentioned, Schedule C.1 does not include Accounts Payable type of transactions for 1987. This would account for the discrepancy between the grand totals of Schedules B.1 and C.1. A more detailed explanation of our internal documentation is outlined below.

4. None

5. None

6. None

7. None

8. The only containers removed from Tastykake's premises by Metro Container Corporation were metal 55 gallon drums. They were removed by Metro for reconditioning and resale by Metro where reusable and for disposal where not reusable. As previously explained, Metro paid Tastykake for the drums that were reusable, and Tastykake was charged by Metro for the disposal of drums that were not reusable.

In order to reply to your request to describe documents that were maintained by Tastykake regarding transactions with Metro Container Corporation, I would first like to point out that Tastykake has no formal contract or agreement with Metro Container and never has had as far as I can determine. Our practice was simply to call Metro Container and have them come and pick up the drums at the bakery either when there was a sufficient number of drums or when our drum storage area was becoming full.

The Metro truck driver was responsible for loading the truck, counting the total number of drums and determining the number of reusable and non-reusable drums. The driver would give an employee in our receiving department a copy of the Metro receiving ticket which only indicated the total number of

Mr. Lawrence Falken  
May 25, 1988  
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reusable and non-reusable drums. No indication was made of the drum's previous contents. A copy of a typical Metro receiving ticket is included in Exhibit 1.

For each pick-up made by Metro we write up an internal shipping receipt. Again, this document only indicates the number of drums and does not list each drum's original contents. A copy of our shipping receipt is included in Exhibit 2.

Outlined below is a summary of the hazardous residual components and estimated total quantity of each component transported by Metro from Tastykake.

<u>Component</u>	<u>Quantity (Gal.)</u>
Dibutyl Phthalate	0.72
Methacrylate Copolymer or Dialkyl Fumarate/Vinyl Acetate Copolymer	0.04
1,1,1 - Trichloroethane	0.41
Trichloroethylene	0.60
Vinyl Acetate Monomer	<u>0.476</u>
TOTAL	2.246

These quantities are taken from schedule B-2.

I personally made the inquiries and conducted the investigation to locate and assemble the information and documents referred to above. Copies are in my custody and are available for your review upon request. As I have previously indicated, I will have copies of any particular documents made for you if you believe that it is required for your purposes.

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May 25, 1988  
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Tastykake, Inc. is not privately insured against release of hazardous wastes or substances.

I trust this information will be satisfactory for your purposes. Please direct any questions concerning this response to me. Following your verification of the information you requested, given the minimal amount of hazardous material transported by Metro from our bakery, I am sure you will be able to advise me that Tastykake, Inc. has no further responsibility in this matter.

Respectfully,

TASTYKAKE, INC.

A handwritten signature in cursive script, reading "Paul G. Diorio".

Paul G. Diorio  
Safety Supervisor

amk  
Enclosures



## Food Ingredients

<u>Manufacturing/ Distribution Company</u>	<u>Product Trade Name</u>	<u>Container/Quantity Received In</u>	<u>Empty Method</u>	<u>MSDS</u>	<u>Estimated # Drums 4/86-4/88</u>
Caire & Gragnaud	Molasses	55 gallon drum	Tipped & drained	N/A	136
Chiquita	Banana Puree	55 gallon drum	Pumped	N/A	360
W. A. Cleary	Lecithin	55 gallon drum	Tipped & drained	N/A	84
Dow Chemical Corp.	Glycerine, USP 99.5%	55 gallon drum	Tipped & drained	Yes	80
Good Foods	Molasses	55 gallon drum	Tipped & drained	N/A	58
Mallet & Co.	Pan Grease	55 gallon drum	Tipped & drained	N/A	57
David Michael Co.	Four Fold Vanilla Extract	55 gallon drum	Tipped & drained	Yes	20
Midland Agriculture	Apple Juice Concentrate	55 gallon drum	Tipped & drained	N/A	720
				TOTAL	1515

## Schedule A.2

## Detergents/Sanitizers

<u>Manufacturing/ Distribution Company</u>	<u>Product Trade Name</u>	<u>Container/Quantity Received In</u>	<u>Empty Method</u>	<u>MSDS</u>	<u>Estimated # Drums 4/86-4/88</u>
Diversey Wyandotte	Interest	55 gallon drum	Rinse	Yes	18
National Milling & Chemical	Supreme Liquid Steam Cleaner	55 gallon drum	Rinse	Yes	288
ZEP Manufacturing Co.	ZEP-LAC 45	55 gallon drum	Rinse	Yes	24
				TOTAL	330

## Lubricants (Food Grade)

<u>Manufacturing/ Distribution Company</u>	<u>Product Trade Name</u>	<u>Container/Quantity Received In</u>	<u>Empty Method</u>	<u>MSDS</u>	<u>Estimated # Drums 4/86-4/88</u>
Dubois Chemical	FG 10 Oil	55 gallon drum	Tipped & drained	Yes	13
	FG 30 Oil	55 gal drum	Tipped & drained	Yes	4
	FG 140 Oil	55 gallon drum	Tipped & drained	Yes	7
	Ultragard #300	55 gallon drum	Tipped & drained	Yes	19
Mallet & Co.	Ultra Lube White Mineral	55 gallon drum	Tipped & drained	Yes	7
Textile Chemical	Blandol Tasteless Oil #9	55 gallon drum	Tipped & drained	Yes	40
				TOTAL	90

## Schedule A.4

## Lubricants (Non-food Grade)

<u>Manufacturing/ Distribution Company</u>	<u>Product Trade Name</u>	<u>Container/Quantity Received In</u>	<u>Empty Method</u>	<u>MSDS</u>	<u>Estimated # Drums 4/86-4/88</u>
Delaware Valley Water Treatment	NJ-50	55 gallon drum	Tipped & drained	Yes	5
Frick	Machine Oil #3	55 gallon drum	Tipped & drained	Yes	11
Mobil Oil	DELVAC-1240	55 gallon drum	Tipped & drained	Yes	4
Witco	Suniso Oil #4GS	55 gallon drum	Tipped & drained	Yes	37
				TOTAL	57

## Packaging Adhesives

[illegible]

## Schedule A.6

## Water Treatment Chemicals

<u>Manufacturing/ Distribution Company</u>	<u>Product Trade Name</u>	<u>Container/Quantity Received In</u>	<u>Empty Method</u>	<u>MSDS</u>	<u>Estimated # Drums 4/86-4/8</u>
Delaware Valley Water	NJB-104	55 gallon drum	Tipped & rinsed	Yes	7
Treatment	NJB-110F	55 gallon drum	Tipped & rinsed	Yes	7
	NJC-201M	55 gallon drum	Tipped & rinsed	Yes	2
	NJC-221	55 gallon drum	Tipped & rinsed	Yes	4
				TOTAL	20

Schedule B.1

Total Drums

4/86 - 4/88

<u>Schedule</u>	<u>Total</u>
A.1 Food Ingredients	1515
A.2 Detergents/Sanitizers	330
A.3 Lubricants (Food grade)	90
A.4 Lubricants (Non-food grade)	57
A.5 Packaging Adhesives	301
A.6 Water Treatment Chemicals	<u>20</u>
GRAND TOTAL	2313

Schedule B.2  
Hazardous Residual Drum Contents  
Transported by Metro  
April 1986 - April 1988

Page 1 of 4

<u>Manufacturing/ Distribution Company</u>	<u>Product Name</u>	<u>Hazardous Residual Components (%)</u>	<u>Est. Hazardous Residual Per Drum (Gal.)</u>	X	<u>Est. Total Drums Removed</u>	=	<u>Est. Quantity Transported by Metro (Gal.)</u>
<u>Schedule A.1</u> <u>Food Ingredients</u>							
Caire & Gragnaud	Molasses	None	None		136		None
Chiquita	Banana Puree	None	None		360		None
W. A. Cleary	Lecithin	None	None		84		None
Dow Chemical Corp.	Glycerine, USP 99.5%	None	None		80		None
Good Foods	Molasses	None	None		58		None
Mallet & Co.	Pan Grease	None	None		57		None
David Michael Co.	Four Fold Vanilla Extract	None	None		20		None
Midland Agriculture	Apple Juice Concentrate	None	None		720		None
<u>Schedule A.2</u> <u>Detergents/Sanitizers</u>							
Diversey Wyandotte	Interest	None	None		18		None
National Milling & Chemical	Supreme Liquid Steam Cleaner	None	None		288		None
ZEP Manufacturing Co.	ZEP-LAC 45	None	None		24		None



Schedule B.2  
Hazardous Residual Drum Contents  
Transported by Metro  
April 1986 - April 1988

Page 2 of 4

<u>Manufacturing/ Distribution Company</u>	<u>Product Name</u>	<u>Hazardous Residual Components (%)</u>	<u>Est. Hazardous Residual Per Drum (Gal.)</u> X	<u>Est. Total Drums Removed</u> =	<u>Est. Quantity Transported by Metro (Gal.)</u>
<u>Schedule A.3</u>					
<u>Lubricants (Food Grade)</u>					
Dubois Chemical	FG 10 Oil	None	None	13	None
	FG 30 Oil	None	None	4	None
	FG 140 Oil	None	None	7	None
	Ultragard #300	None	None	19	None
Mallet & Co.	Ultra Lube White Mineral	None	None	7	None
Textile Chemical	Blandol Tasteless Oil #9	None	None	40	None
 <u>Schedule A.4</u>					
<u>Lubricants (Non-food Grade)</u>					
Delaware Valley Water Treatment	NJ-50	None	None	5	None
Frick	Machine Oil #3	Methacrylate Copolymer or Dialkyl Fumarate/ Vinyl Acetate Copolymer (1%)	.004	11	0.04
Mobil Oil	DELVAC-1240	None	None	4	None
Witco	Suniso Oil #4GS	None	None	37	None

Schedule B.2  
Hazardous Residual Drum Contents  
Transported by Metro  
April 1986 - April 1988

Page 3 of 4

<u>Manufacturing/ Distribution Company</u>	<u>Product Name</u>	<u>Hazardous Residual Components (%)</u>	<u>Est. Hazardous Residual Per Drum (Gal.)</u>	X	<u>Est. Total Drums Removed</u>	=	<u>Est. Quantity Transported by Metro (Gal.)</u>
Schedule A.5 Packaging Adhesives							
National Starch & Chemical Co.	13-1202	None	None		138		None
	33-1178	None	None		52		None
United Resin	50-0234-A*	Trichloroethylene (<10%)	0.086		7		0.60
		Dibutyl Phthalate (<12%)	0.103		7		0.72
		Vinyl Acetate Monomer (<0.5%)	0.0043		7		0.03
	50-0234-B*	1,1,1 - Trichloroethane (<8%)	0.069		6		0.41
		Vinyl Acetate Monomer (<0.5%)	0.0043		6		0.026
	50-0337	Vinyl Acetate Monomer (<0.5%)	0.0043		98		0.42

\*United Resin changed the product formulation of 50-0234 in September of 1987. 50-0234-A represents the product purchased before September 1, 1987. 50-234-B indicates the reformulated product purchased after September 1, 1987.

Schedule B.2  
Hazardous Residual Drum Contents  
Transported by Metro  
April 1986 - April 1988

Page 4 of 4

<u>Manufacturing/ Distribution Company</u>	<u>Product Name</u>	<u>Hazardous Residual Components (%)</u>	<u>Est. Hazardous Residual Per Drum (Gal.)</u> X	<u>Est. Total Drums Removed</u> =	<u>Est. Quantity Transported by Metro (Gal.)</u>
Schedule A.6					
<u>Water Treatment Chemicals</u>					
Delaware Valley Water Treatment	NJB-104	None	None	7	None
	NJB-110F	None	None	7	None
	NJC-201M	None	None	2	None
	NJC-221	None	None	4	None
TOTAL ESTIMATED HAZARDOUS RESIDUAL QUANTITY (GAL.)					<u>2.246</u>

Schedule C.1

Drum Removal Dates

<u>Date</u>	<u>Good</u>	<u>Bad</u>	<u>Total</u>
4/15/86	23	0	23
5/8/86	23	0	23
7/24/86	72	10	82
8/25/86	42	30	72
9/30/86	43	20	63
11/28/86	23	0	23
3/12/87	5	27	32
6/23/87	61	20	81
7/10/87	21	27	48
8/17/87	0	53	53
10/2/87	50	40	90
11/19/87	76	40	116
12/22/87	35	33	68
2/9/88	40	29	69
2/29/88	23	44	67
3/25/88	<u>48</u>	<u>26</u>	<u>74</u>
TOTALS	<u>585</u>	<u>399</u>	<u>984</u>

Exhibit 1

Metro Receiving Ticket

**Metro Container Corp.**

**2833**

2nd & Price St.  
Trainer, Pa. 19013

MA-7-7288  
494-8200

DATE 2/25/88

RECEIVED FROM Tasty Kakes

ADDRESS

CITY Phila STATE PA

QUAN.	DESCRIPTION	PRICE	AMOUNT
<u>23</u>	<u>Full Drums - Good</u>		
<u>34</u>	<u>Empty Drums - Scrap</u>		
	<u>Subject to Metro</u>		
	<u>Inspection</u>		
	<u>T-847</u>		

REC'D BY

DRIVER

J-D Phila 2-29

Exhibit 2

Tastykake Internal Shipping Receipt

FORM 46 2M 1-74 C150



DELIVERED TO:

TASTYKAKE, INC.  
2801 HUNTING PARK AVENUE  
PHILADELPHIA, PA. 19129

A 59650

Name Metro Container

Address \_\_\_\_\_

26 Scrap  
48 Good Drums Pick up at  
tasty kake

Sign Firm Name \_\_\_\_\_

Date Charged 3-25-88

Per \_\_\_\_\_

Driver Hahn

WHITE-ACCTG. DEPT.

YELLOW-RECEIVING DEPT.

PINK-CUSTOMER

GOLD-ACCTG. DEPT.

JANUARY 2009



**TASTY BAKING COMPANY**  
**RECORDS MANAGEMENT POLICY**

# TASTY BAKING COMPANY RECORDS MANAGEMENT POLICY

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## **TASTY BAKING COMPANY Records Management Policy**

### **1. POLICY STATEMENT**

The stated purpose of Tasty Baking Company's Records Management Policy (the "Policy") is to maintain a consistent, organized and effective approach to managing the business records of Tasty Baking Company and its subsidiaries (the "Company") through the lifecycle of such records. The lifecycle of a record covers:

**Creation → Active Use → Storage → Ultimate Disposition**

Records are to be retained while they remain in use, unless longer retention is required for the following reasons:

- regulatory purposes
- operational needs,
- historical reference, or
- destruction holds in accordance with this Policy.

Applicable regulatory requirements and operational requirements are to be defined by each Operating Department for its own purposes and are set forth in the attached **Records Retention and Disposal Guidelines (Appendix A)**.

**This Policy and the accompanying Guidelines are organic documents. This means the Policy and the Guidelines will change to accommodate new or modified regulatory requirements and/or operational requirements. The Office of the General Counsel (the "OGC") will work to identify any regulatory changes and will respond to requests from Company Operating Departments to keep this Policy and the Guidelines current. Company employees are requested to notify the OGC of any suggested changes.**

Records that are no longer useful, and have satisfied their required period of retention, are to be destroyed in an appropriate and systematic manner, as set forth in this Policy. **Any concern about the potential for an investigation, audit or litigation can never be a reason for discarding Records.**

This Policy supersedes any existing policies or guidelines regarding the management and retention or destruction of the business records of the Company.

## 2. POLICY SCOPE

Records to be managed under this Policy ("Records") include all records in any form, including documents, **both electronic and paper**, video, microfilm, audiotape, photographs, drawings, or any other information vehicle used in the day-to-day operations of the Company or stored on-site or off-site, including those stored on computer storage devices and servers. For example, these Records may include, but are not limited to: correspondence (letters, memos, e-mails), reports, ledgers, contracts, calendars, worksheets, files, slides, presentation materials, computerized data and programs, computer hard copy printouts, computer diskettes and tapes, microfiche, faxes. The term "Records" refers both to original documents, and also to any document duplicates, including photocopies or imaged copies, whether stored on Company premises, at an employee's home, on a personal computer, or at a third party off-site storage site.

All employees, contractors, vendors, business partners and anyone who acts as an agent of the Company and who might possess Company Records is required to comply with this Policy. This policy is not intended to alter or limit any contractual obligation of the Company to return, destroy or not retain confidential information third parties provide to the Company in the course of business.

## 3. OPERATING DEPARTMENT REQUIREMENTS

Each of the Company's Operating Departments is responsible for adhering to the Records Management Policy and monitoring the Operating Department's compliance with the Policy and the Guidelines on a regular basis. Therefore, each Operating Department shall name an individual who shall be principally responsible for that Department's compliance with the Policy and the Guidelines (hereinafter "Records Management Coordinator(s)") and managing the recording, filing, retention, archiving and destruction of Records within that Department. Specific responsibilities include 1) dissemination of the Policy and the Guidelines to all employees of the Operating Department to ensure compliance; 2) decision making as to what Records will be retained and the manner of retention (e.g., in-house storage, off-site storage, imaging etc.) based upon the relevant regulatory requirements and operational requirements as identified by the OGC and/or the Records Management Coordinator; 3) disposition of Records of departing employees in their respective Operating Departments; and 4) providing assistance during company-wide periodic reviews of policy compliance. The Records Management Coordinator will also work with the OGC to maintain company-wide standards for record retention, destruction and tracking.

## 4. EMPLOYEE RESPONSIBILITIES

This Policy and accompanying Guidelines are adopted by the Company pursuant to the Tasty Baking Company Code of Business Conduct. Therefore, each and every Company employee has a duty to follow this Policy and the Guidelines as part of his or her daily routine. This means each employee is responsible for maintaining his or her work station (and electronic personal computer Records) in an orderly and responsible manner, making sure that accurate and complete Records are properly classified, inventoried, identified in departmental logs and managed in accordance this Policy and the Guidelines. Adherence to the Policy and the Guidelines is a condition of employment and violations may result in disciplinary action, including termination of employment, as well as civil and criminal liability for both the individual employee and the Company. Employees should direct any questions concerning the Policy or the Guidelines to his or her manager, the Operating Department's Records Management Coordinator and/or the OGC.

**No employee should ever dispose of any record with the intent to impede, obstruct or influence any contemplated, initiated or ongoing internal or third party investigation or audit or other legal or government proceeding.**

## **5. RECORDS REVIEW**

Records should be periodically reviewed to determine whether they are actively in use or inactive. Records which are in use should be stored within the designed office space resourced to the appropriate Operating Department. Records which are inactive should be reviewed to determine whether they must be retained based on the retention periods identified under the Guidelines. Otherwise, Records which do not have a retention requirement should be destroyed. Wherever possible, duplicates and redundant materials should be destroyed. Retention of one copy is appropriate where an original is not known to exist. Again, any concern about the potential for an investigation or litigation can never be a reason for discarding Records. The **Records Inventory Form** attached to and made a part of this Policy as **Appendix B** is a useful guide to appropriate Records review and should be used by employees to document Records reviews and record management decisions.

During each fiscal year, the last full week before the close of each fiscal quarter will be designated Company-wide as Records Management Week for each and every Operating Department to focus on that Department's compliance with the Policy and the Guidelines for the preceding three month period. Records review, filing, archiving, storage and destruction not done during the preceding three month period should take place during the Records Management Week. All employees will be reminded of each upcoming Records Management Week. Any use by an employee of Company approved third party vendors for off-site storage, imaging, shredding or recycling must be approved by the Operating Department's Records Management Coordinator.

## **6. ARCHIVING AND TRANSFERRING PAPER RECORDS TO AND FROM OFF-SITE STORAGE**

Records should be stored in a location appropriate to their status. Active business Records generally should be stored on site; in cabinets and drawers resourced to each Operating Department or stored electronically in secure locations.

Inactive business Records (Records involving closed, completed or concluded business activities), such as terminated or expired contracts, projects or business relationships, that employees do not need to access regularly, but which must be retained in accordance with this Policy and the Guidelines to fulfill regulatory or operational requirements, should be transferred to the Company approved off-site storage location, following employee inventory, classification and designation of required retention and destruction dates. Employees will be informed of the Company approved off-site storage provider. Inactive business Records which can be destroyed in accordance with this Policy and the Guidelines should be purged on site as soon as possible after their useful life, not sent to an off-site storage location.

There are three principal steps involved in sending hard copy Records offsite for storage. These are 1) packing cartons; 2) describing the contents of the cartons using a Company and provider approved form; and 3) transferring the Records offsite. **Appendix C** attached to and made a part of this Policy, includes the **Off-Site Storage of Records** to be used by employees when utilizing the Company

approved off-site storage provider. Generally, material to be sent to off-site storage shall be inventoried as to content and Records class, boxed and labeled with a barcode (provided by the off-site storage provider) and/or other Operating Department identifier. (Before shipment a typed record of the box contents must be prepared and saved electronically in accordance with the attached Guidelines.) The barcode and content information should also be retained in an electronic log within each Operating Department. Records retrieved from storage should be tracked and returned as soon as practicable to off-site storage. Retention and destruction dates will be communicated to the off-site storage facility in accordance with the facility's procedures and this Policy and the Guidelines.

Each Operating Department's Records Management Coordinator shall coordinate the use of such off-site facility and assist that Operating Department's members with compliance with the requirements of the designated facility relative to storage, retrieval and destruction of documents. It is the responsibility of each Records Management Coordinator to take appropriate steps so that Records, no matter where stored, are identifiable and available for ready access by any authorized employee, external auditor or attorney, as necessary.

## 7. MANAGEMENT OF ELECTRONIC RECORDS

Significant portions of the Company's documents are stored in electronic format. Records management, retention and destruction rules apply to all documents whether stored on paper or electronically. **The electronic storage of a record does not change the period of retention required by this Policy and the Guidelines.** As an example, Sales Distributor tickets which are imaged and stored electronically should not be kept any longer than tickets in paper form. Irrespective of whether the record is retained in paper or electronic form, the duplicate form should be retained only as long as reasonably needed but not longer than the retention period prescribed for the original record. In each instance, a determination should be made if the paper Records are identical and therefore duplicates which may be destroyed.

In addition, all Company employees should be aware that Company business Records resident on any piece of personal computer hard drives or other hardware, cell phones and other hand-held electronic devices are also subject to this Policy. Information Technology ("IT") will work with each Operating Department to reach a consensus as to application of this Policy and the Guidelines to centrally stored electronic Records and/or enterprise-wide electronic systems. Prior to actual destruction of any set of centrally stored electronic Records for which IT is **not** the owner or custodian (including data, wherever stored), IT shall coordinate with the appropriate Operating Department Records Management Coordinator, and take appropriate action in accordance with this Policy and the Guidelines, in consultation with the OGC and Financial Department, as appropriate.

## 8. ELECTRONIC MAIL

Each employee is responsible for managing his or her e-mail messages, including attachments, in accordance with this Policy and the Guidelines. Employees are advised that the Company's e-mail system is not intended to serve as a storage facility or record-keeping device, and therefore, proactive and ongoing management by employees is required, independent of the automatic functions of the e-mail system. An e-mail that has content rendering it a business Record, in whole or in part, must be retained and protected for the appropriate period of time in accordance with this Policy and the Guidelines. As a

general rule, if an e-mail, and/or its attachment, can be classified using the Guidelines, it is a business Record that must be retained for the appropriate period. But, if such Record does not require retention for legal or compelling operational purposes, the e-mail should be deleted once read if its business purpose has been fulfilled. Because of the high volume of e-mails generated and received every day at the Company, it is recommended that e-mail be managed every day. Informal e-mail containing personal or transient messages should be deleted immediately once read.

When e-mails are not managed on a regular basis, the network system can become overloaded, which can reduce overall system performance, increase the likelihood of system corruption, increase data restoration times and increase system and administrative costs. For these reasons, the Company's IT Department has instituted an automatic archiving and deletion policy and storage limitation policy to compel employees to manage their email. The automatic archiving and deletion policy and procedure is as follows:

- All incoming and outgoing electronic mail will automatically be captured and stored for a period of one year. Each employee's captured and stored mail will be accessible during this period. The mail will also be accessible by management for identified purposes. After one year, unless they are specifically identified as Records subject to a Records Hold (See discussion in Section 10) and saved, the e-mails will be automatically deleted.
- In the storage limit policy, there are limits on the overall size of an employee's Microsoft Mailbox (including folders). Unless an exception to the storage limitation policy is approved by IT, when an employee's mailbox reaches certain threshold, the employee will receive a warning to clean the mailbox. If the mailbox grows to the next threshold, the employee will be unable to send an e-mail. If the mailbox grows to the final threshold, the employee will not longer be able to send or receive mail.

If an employee determines that an email and/or its attachment is a Record subject to a retention period under the Policy and Guidelines, the employee as custodian must move the Record to a secure electronic file folder located in the departmental shared drive which has been designated for such record retention purposes. This will ensure the Record is retained, and facilitate application of the Guidelines and compliance with the Policy.

## 9. DOCUMENT IMAGING

Due to the volume of Records that the Company is required to retain, it is recognized that parts of the organization may wish to take advantage of imaging technologies. The imaging of Company Records is permitted subject to the approval of your Department's Records Management Coordinator and any Senior Vice President or Vice President of your Operating Department. Employees will be informed of the Company approved imaging provider. **Appendix D** attached to and made a part of this Policy includes the **Records Imaging** procedures to be followed by employees when utilizing the Company approved imaging provider and also addresses destruction of the paper Records once imaged.

## 10. RECORDS HOLDS - SUSPENSION OF SCHEDULED DISPOSITION IN THE EVENT OF INVESTIGATION, LITIGATION OR AUDIT

The duty to preserve discoverable Records, including data Records, potentially relevant to litigation or a governmental investigation, arises as soon as the litigation or a governmental investigation is reasonably anticipated. Therefore, occasionally, such events will require the suspension of applicable retention periods identified in the Guidelines and maintenance of such Records past their established retention period. When such Records are identified as those which are sought, will imminently be sought, or are reasonably likely to be sought in litigation or a governmental proceeding, or an audit is pending or planned, the Company must immediately suspend all regularly scheduled destruction, disposal or purge of Records associated with such litigation, governmental proceeding or audit.

In order to prevent any inadvertent destruction of such Records, the Company will implement an appropriately tailored Records Hold. Only the OGC and/or Chief Accounting Officer have the authority to issue a Records Hold directive and instructions, which will be communicated by e-mail to affected employees and by written communication to each affected Operating Department's Records Management Coordinator. Each Records Management Coordinator must confirm to the OGC in writing the receipt by each member of his or her Operating Department of each Records Hold directive. Employees must follow such Records Hold directives carefully. **Such Records Holds are temporary by their nature and will be lifted by the General Counsel or Chief Accounting Officer when appropriate.** The process of reviewing and removing Records Holds will be documented to demonstrate that necessary approval was received prior to removal.

If you personally become aware of circumstances giving rise to an anticipated, threatened or actual litigation, audit or governmental proceeding before receiving a Company issued Records Hold, immediately suspend any disposal of pertinent Records and promptly inform your manager, your Records Management Coordinator and the OGC. The OGC will work with you and your Records Management Coordinator to locate and stop destruction of Records affected by the Records Hold.

## 11. CONFIDENTIAL, PRIVILEGED AND SENSITIVE RECORDS

In the course of business, Company employees may likely encounter confidential, privileged and sensitive Records. Each employee has a duty to protect such information in accordance with the Company's Code of Business Conduct. Such information may include, but is not limited to: 1) employee information, including salary, benefits and medical information; 2) proprietary data or trade secrets of the Company or its potential or current business partners; 3) personally identifiable customer/user information, such as phone numbers and addresses, credit card information, and social security numbers; 4) material, non-public information about Tasty Baking Company or its subsidiaries (as defined in the Company's Code of Business Conduct). **Appendix E** attached to and made a part of this Policy includes **Records Shredding** procedures for destruction of confidential and sensitive Records.

## 12. VITAL RECORDS

Business Records that are absolutely necessary to the continuation of the Company's business are Vital Records. **Vital Records make up a small percentage of the Company's business Records and are typically used to re-establish the organization's functions after an emergency or disaster, and to establish and protect the rights and interests of the organization and its customers.** As a result, the importance of these Records to the effectiveness of the Company and its functioning justifies additional protection and security, which must be appropriate to media and recovery time required for that Vital Records. Questions as to the classification of a Record or set of Records as "vital" should be directed to your Records Management Coordinators and the Company's Chief Information Officer, a Senior Vice President or Vice President of your Operating Department for determination.

Many of the Company's Vital Records are created and captured in enterprise-wide electronic systems, and thus may be protected via routine system back-up programs and IT's data security policy and procedures. However, Vital Records may also be found in other systems and formats. Therefore, custodians of Vital Records should coordinate the protection and preservation of Vital Records with the appropriate Operating Department Records Management Coordinator and IT.

## 13. EMPLOYEE TRAINING

The OGC, with the help and support of the Human Resources Department and the Records Management Coordinators, will be responsible for implementation, resourcing and administration of Records management, training and awareness. Training will inform employees of the existence, purpose, scope and importance of the Policy. Records Management Coordinators are encouraged to conduct training at least semi-annually. Documentation reflecting attendance and participation in Records management training should be created and retained in accordance with the Guidelines.

#### **14. AUDIT PROCEDURES**

Internal Audit will conduct periodic reviews at least annually of the adequacy of the Policy and random audits to verify compliance with the Policy. At minimum, the audit will include verification that: 1) inactive hard copy Records sent offsite for storage are adequately indexed to support timely retrieval and to permit proper destruction scheduling; 2) training is being provided to employees; 3) proper Records Holds management processes are followed; 4) electronic Records, including e-mail, are being properly managed and; 5) vital and confidential Records are being adequately protected.

#### **15. PROCEDURE REVIEWS**

Each Operating Department should periodically review its Records management procedures for compliance with this Policy. Review procedures should include, but not be limited to, review of:

1. Compliance with retention dates as specified in the Guidelines;
2. Location of storage of Records (on-site or off-site);
3. Accuracy of the classification and inventory of Records stored in boxes (on-site or off-site);
4. Quality of logs kept to track documents sent to storage;
5. Timely return to storage facility of Records retrieved from storage; and
6. Compliance with destruction dates



**APPENDIX A**  
**to**  
**Tasty Baking Company**  
**Records Management Policy**

**Record Retention and Disposal Guidelines**

This Appendix to the Tasty Baking Company Records Management Policy (the "Policy") sets forth guidelines for compliance by employees with established periods for retention and disposal of Company business Records. The retention periods recommended in the Guidelines are based on identification of each Company Operating Department's Records functions and classes, a review by the Office of the General Counsel ("OGC") of state and federal regulatory retention periods, and identification by each Operating Department of internal operational needs.

As defined in the Policy, business Records include, among other things, letters, e-mails, calendars, memoranda, reports, data compilations, books of account and other financial records, production documentation, payroll data, employee files and other business documents used by the Company and its employees irrespective of the medium in which they exist (e.g. paper, video or audio tape, microfilm or microfiche, or hard drive, disk or other electronic storage device). The foregoing will be referred to herein as "Records." At the expiration of the specified retention period, and after obtaining any necessary approvals as indicated in the Guidelines, Records (in all forms, including hard and electronic copies) should be disposed of by means appropriate to their nature or level of confidentiality, e.g., shredding, recycling or deleting.

As discussed in the Policy, when you are notified by the OGC and/or the Chief Accounting Officer (the "CAO") of a Records Hold, Records should be retained and not disposed of, **notwithstanding the guidelines set forth herein**, in the event they may be needed for the subject litigation, governmental investigation or audit. **No employee should ever dispose of any record with the intent to impede, obstruct or influence any contemplated, initiated or ongoing internal or third party investigation or audit or other legal or government proceeding.**

An **Index** to the Guidelines appears on Page A-13.

## GUIDELINES

### **A. Letters<sup>1</sup> to be Destroyed Within One Year.**

1. Routine correspondence and notes that require no acknowledgment or follow-up, such as notes of appreciation, congratulations, letters of transmittal and plans for meetings.
2. Form letters (other than letters from the Human Resources Department) that require no follow-up.
3. Copies of inter-departmental or other Company correspondence that have a copy retained in the originating department's files.
4. Letters of general inquiry and replies that complete a cycle of correspondence.
5. Letters or complaints requesting specific action that have no further value after changes have been made or the appropriate action has been taken, such as name or address change.
6. Other letters of inconsequential subject matter or which no further reference will be required.
7. Chronological correspondence files.

### **B. Letters to be Retained For Five Years.**

The following are examples. The specific retention periods should be defined in the appropriate functional category or department.

1. Letters explaining but not establishing Company policy.
2. Letters establishing credit.
3. Collection letters after the account is paid.
4. Quotation letters where no contract results.
5. Correspondence between the Human Resources Department and employees.

### **C. Letters to be Retained for the Life of the Principal Document that It Supports.**

The following are a few examples of this category of letters. The content of the specific retention periods should be defined in the appropriate functional category or department.

1. Letters pertaining to trademarks, patents, copyrights.
2. Letters pertaining to purchase orders or change orders or bills of sale.
3. Letters pertaining to licenses or permits.
4. Letters which constitute all or a part of a contract or which are important in the clarification of certain points in a contract.
5. Letters denying liability of the Company.

### **D. General Corporate Records.**

The OGC shall keep all legally required documents and documents of business significance and, in addition, shall keep such other documents as may have historical value.

1. Records of incorporation, by-laws and amendments thereto for the corporation and subsidiaries. (P)<sup>2</sup>
2. Records of application and state qualification to do business as a foreign corporation in states other than state of incorporation. (P)
3. Corporate seals. (P)
4. Stock transfer and stockholder Records. (P)
5. Cancelled stock certificates. (P)
6. Dividend Records
  - a. Dividend Register. (P)
  - b. Transfer agent notices of upcoming dividend payments. (current plus five years)

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<sup>1</sup> As used in these Guidelines, Letters includes correspondence in both paper and electronic form, including e-mail.

<sup>2</sup> As used in these Guidelines, the letter P indicates permanent retention.

- c. Transfer Agent Payment Confirmations (or cancelled checks). (current plus five years)
- d. AST Sponsored and Administered Dividend Reinvestment Plan (P)
- 7. Minute books of Corporate and Subsidiary Boards, Board committee and stockholder meetings. (P)
- 8. Annual reports, quarterly reports; proxy material and other SEC filings. (P)
- 9. Shareholder proxies, except for those related solely to the election of directors. (P)
- 10. Shareholder proxies for purpose of election of directors (ten years)
- 11 Acquisition files. (P)
- 12. All financing documents, credit agreements, loan agreements, commitments, etc. (review ten years after satisfaction or termination)
- 13. Divestiture files. (review after ten years)
- 14. Corporate policies and procedures; policy statements. (P)
- 15. Board of Directors:
  - a. Compensation and Retirement Plans and related Records. (P)
  - b. Governance Guidelines. (P)
  - c. Stock Trading Policy for Directors and Executive Officers. (P)
  - d. NASDAQ Independent Director Compliance Records. (P)
  - e. Director Self-Evaluations. (P)
  - f. D&O Insurance Policies. (See Section I.1.g.).
  - g. Board Committee Charters. (P)

#### **E. Litigation**

- 1. Litigation files including correspondence, depositions, discovery, responses and pleadings:
  - a. Major litigation. (as determined by the OGC on a case by case basis)
  - b. Other litigation. (one year after expiration of appeals or expiration of time for filing of appeals)
  - c. Legal memoranda and opinions and related subject matter files. (five years after close of matter. Thereafter, review for utility and historic value)

#### **F. Contracts.**

- 1. Contracts and related correspondence and documents – commercial and government. (seven years after expiration or termination plus written approval of OGC)
- 2. Real estate and equipment leases. (seven years after expiration or termination plus written approval of the OGC.
- 3. Licensing and distribution agreements. (seven years after expiration or termination plus written approval of OGC)
- 4. Confidentiality and Non-disclosure Agreements. (seven years after expiration or termination plus written approval of OGC.
- 5. All draft documents and notes associated with a transaction should be destroyed immediately after contract is executed.

#### **G. Employee Benefit Plans and the Supporting Employee Data (ERISA Documents).**

Employee benefit plan documents and supporting employee data shall be kept in such manner and for such periods that the Company can establish at all times its obligations to employees covered by the plan.

- 1. Employee benefit plans and all amendments thereto. (P)
- 2. Employee benefit plan determination letters. (P)
- 3. Records of employee service and eligibility for benefits. (including hours worked and any breaks in service) (P)

4. Required personal information on employees and former employees. (Name, address, social security number, period of employment, pay type, either hourly or salary) (P)
5. Records of plan administrator setting forth authority to pay. (P)
6. Records of benefits paid to employees or their beneficiaries. (six years after final payment)
7. Beneficiary Forms. (five years after termination of coverage)
8. Employee benefit plan documents and supporting documentation. (such as actuarial calculations or reports) filed with the IRS, Department of Labor or the Pension Benefit Guaranty Corporation. (six years after filing)
9. Open Enrollment proposals and planning documents. (five years)

**H. Human Resources/Personnel.**

1. Earnings Records (general) (P) (Unemployment Compensation Records – See Section L – Payroll)
2. Invention assignment forms. (P)
3. Records showing employee exposure to potentially hazardous substances. (P)
4. Medical histories or health data. (P)
5. Employees' personnel Records, including individual attendance Records, application forms, performance evaluations, termination papers, exit interview Records, withholding information, garnishments, pre-employment physical test results, handbook and policy acknowledgements, etc. (five years after termination)
6. I-9s. (current employees from date of hire and three years after termination).
7. VETS-100 Reports. (five years after filing)
8. Individual contracts of employment. (seven years after termination)
9. Commissions/bonuses, incentives, awards, etc. (seven years after payment)
10. Job descriptions. (five years after superseded)
11. Safety or injury frequency reports. (five years) (OSHA see Section O.1.)
12. Affirmative action programs. (five years after superseded)
13. EEO- I and EEO-2 Employer information reports. (five years after superseded or filing, whichever is longer)
14. Actions under Title VII or ADA. (until disposition)
15. Office of Federal Contract Compliance (“OFCCP”) Records, including audit related:
  - a. Pre-Audit employment Records. (two years from later of date of making record or personnel action involved)
  - b. Post Closure of contract review, complaint investigation or other enforcement action. (five years)
16. Applications, resumes, results of pre-employment physicals, and related correspondence (non-hired applicants):
  - a. Advertised job openings:
    - i. External. (one year from date of non-hire decision)
    - ii. Internal (current year plus one)
  - b. Unsolicited applications and resumes. (one year from receipt)
  - c. Correspondence with employment agencies and advertisements for job openings. (one year from date of hiring decision)
  - d. Wage and salary surveys. (five years)
  - e. Census reports and headcount comparisons. (five years)
17. Employee handbooks. (P)
18. Labor Relations
  - a. Petitions. (P)
  - b. Union Campaigns.( P)
  - c. Union contracts. (P)

- d. Complaints/Grievances. (Union or Non-Union). (P)
  - 19. HIPAA Compliance Records. (six years from creation or effective date)
  - 20. Assignments, attachments and garnishments. (five years after payment or settlement)
  - 21. Unemployment Compensation Records (including applications). (five years)
- (See Section G for benefit payment Records and beneficiary forms retention guidelines.)

**I. Insurance.**

- 1. Policies:
  - a. Workers compensation. (P)
  - b. Product liability. (P)
  - c. Umbrella. (P)
  - d. Property. (P)
  - e. Fidelity & crime. (P)
  - f. General liability. (P)
  - g. D&O. (P)
  - h. Other 3rd party. (P)
- 2. Certificates
  - a. Issued on behalf of Company. (five years)
  - b. Issued to Company. (P)
- 3. Group insurance plans
  - a. Active employees. (one year after amended or terminated if benefits plan)
  - b. Retirees. (P)
  - c. Medical Premium Invoices and supporting Records. (seven years after payment)
- 4. Audits or adjustments. (five years after final adjustment)
- 5. Claims files. (including correspondence, medical Records, injury documentation, etc.):
  - a. Workers compensation. (five years after close)
  - b. Product liability. (five years after last correspondence or contact with claimant if litigation)
  - c. 1st party. (five years after last correspondence or contact with insurer)
  - d. Other 3rd party. (five years after last correspondence or contact with 3rd party)
  - e. Short and long term disability. (five years after return to work, termination, retirement or death)
  - f. Group life. (five years after close)
- 6. Release/settlements. (P)
- 7. Inspections. (five years)
- 8. Loss runs. (five years)
- 9. Annual loss summaries. (five years)
- 10. Journal entry support data (five years)

**J. Accounting and Finance.**

- 1. Annual audited financial statements. (P)
- 2. General ledgers. (current plus seven years\*)
- 3. General journals and other posting & control media subsidiary to the general ledgers. (current plus seven years\*)
- 4. Annual audit reports and related work-papers:
  - a. Public Accounting Firm. (current plus seven years\*)
  - b. Internal. (current plus five years\*)
- 5. Monthly financial statements. (five years\*)
- 6. Bank statements and cancelled checks. (seven years\*)

7. Original copies of accounts payable invoices and employee expense reports: Normal trade payables. (current plus seven years\*)
8. Freight bills. (current plus seven years\*)
9. Accounts receivable invoices. (current plus seven years\*)
10. Accounts receivable cash receipts files. (current plus seven years\*)
11. Annual plans and budgets. (five years)
12. Strategic plans. (one year after termination of plan period)
13. Census bureau and other government surveys. (five years)
14. Physical inventory Records and cycle counts. (current plus seven years\*)
15. Customer Master set-up and changes request (seven years)
16. Vendor master set-up and change requests (seven years)

\*The Corporate Controller will annually issue a directive outlining the specific years to be destroyed.

#### **K. Tax.**

All corporations required to file a tax return of any kind must keep books of account or Records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits or other matters required to be shown in any such return. These documents and Records shall be kept for as long as the contents thereof may become material in the administration of federal, state, and local income, franchise, and property tax laws. The Company shall keep sufficient Records to prove its cost basis and to compute its earnings and profits permanently.

1. Tax returns. (income, franchise, property) (P)
2. Tax bills, receipts and statements. (P)
3. Tax work-paper packages; Originals. (P) Operating Division duplicates. (seven years)
4. Payroll tax Records. (seven years\*)
5. Sales and use tax Records. (seven years\*)
6. Excise tax Records. (seven years\*)

\* Represents the estimated retention period based IRS three year assessment period plus two and state statutes of limitation (generally five years) and operational needs as identified by CAO. Actual retention will be based on the specific circumstances related to each return and the necessity to keep Records for a longer period. For instance, a longer retention period may be required due to pending settlement with the taxing authorities. The Corporate Controller will annually issue a directive outlining the specific years to be destroyed.

#### **L. Payroll.**

Payroll documents and supporting data shall be kept in such a manner that the Company can prove that it has fulfilled its responsibilities under the Wage and Hour Rules of the Department of Labor, as well as the Walsh-Healey Act. Also, payroll Records must be such as to enable the Company to compute the payment of any pension or other employee benefit. (See section G above.)

1. Employee earnings record. (P)
2. Labor distribution cost Records. (five years)
3. Payroll registers. (gross and net) (five years)
4. Unclaimed wage Records. (five years)
5. Employee deduction authorizations. (duration of employment and five years after termination)
6. Time cards and sheets, E-Time or other application archives. (five years)

**M. Plant and Property.**

1. Original purchase, sale or lease agreement of plant facility. (P)
2. Correspondence, property deeds, easements, licenses, rights of way and miscellaneous documents pertaining to sold plant facilities. (five years plus approval of the OGC)
3. Property insurance policies. (P)
4. Fixed assets:
  - a. Ledgers. (year-end run) (current plus seven years and written approval of Corporate Controller)
  - b. Records relating to valuation. (five years after item is discarded, replaced, or sold)
  - c. Depreciation Schedule. (seven years)
  - d. Inventory Records. (seven years)
  - e. Plant cost ledgers. (seven years)
  - f. Records for Property subject to depletion. (seven years)
5. Mortgages. (five years after satisfaction)
6. Records relating to disposal of plant waste. (five years)
7. Plant inspection and safety audit reports. (service life of equipment plus one year)
8. Building systems and equipment maintenance and repair Records, including maintenance requests. (service life of systems and equipment plus one year)
9. Access events data. (one year)
10. Security logs and incident reports, and other visitor, alarm, error logs. (Current year plus one year) (For OSHA related reports see Section O.1. below)
11. Plans and blueprints (plot plan and building footprint, e.g.). (P)
12. Property Appraisals. (seven years)

**N. Research and Development.**

1. Recipes and mixing methods. (P)
2. Product ingredient statements. (P)
3. Product nutritional panel information. (P)
4. Supplier nutritional information and product specifications. (P)
5. Laboratory notebooks, supporting and test data (P)
6. Pilot run data and related research. (P)
7. Approved supplier list. (P)
8. Original patents, trademarks and copyrights. (P)
9. Minutes of all technical meetings. (P)
10. Invention notebooks and invention Records. (P)
11. Product idea submissions, both from employees and from unsolicited and unsolicited outside sources). (P)
12. Quality control data. (P)
13. Production data. (P)
14. Data supporting product registration or claims. (P)
15. Inspection and test reports on new or proposed products. (P)

# **O. Safety and Environmental.**

The Company must keep all documents in relation to employee and public health and safety for such periods as will enable it to demonstrate compliance with an applicable regulation or standard. These standards and regulations are in a state of continual expansion and change. Following is a current list of widely applicable rules:

## **1. OSHA Records relating to each occupational injury or illness:**

- OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms (five years following the end of the calendar year that these Records cover)
  - Noise exposure measurements (two years minimum)
  - Audiometric exams (Duration of employment plus 30 years from termination of employment)
  - Material Safety Data Sheets (MSDS) containing physical and health hazards of each hazardous substance used in the workplace (30 years from the date the substance was last received in the workplace)
  - Medical Records of employees for employers subject to OSHA standards including but not limited to asbestos, benzene, cadmium, formaldehyde, and occupational exposures to blood borne pathogens (Duration of employment plus 30 years from termination of employment)
  - Employee medical Records concerning the health status of an employee including medical and employment questionnaires or histories; results of medical examinations or laboratory tests, medical opinions, diagnoses, progress notes, and recommendations; first aid Records and the results of physical examinations considered in connection with any personnel action (Duration of employment plus 30 years from termination of employment)
- (Exception: For persons employed less than one year, medical Records need not be retained if provided to employee upon termination.)

## **2. Material Safety Data Sheets. (P)**

## **3. Companies subject to asbestos standards:**

- a. Personnel or environmental monitoring. (P)
- b. Employee medical examinations. (P)

## **4. Companies subject to ionized radiation standard: employee radiation exposure tests (P)**

## **5. Companies subject to vinyl chloride standard:**

- a. Monitoring and measuring Records and authorized personal rosters. (P)
- b. Medical Records. (P)
- c. Monitoring and inspection reports. (P)

## **6. Companies subject to carcinogen standards:**

- a. Authorized personnel rosters. (P)
- b. Medical Records. (P)
- c. Monitoring or inspection reports. (P)



7. Companies subject to ground fault standards, testing Records. (P or until superseded)
8. Companies subject to ethylene oxide standard 29 CFR 1910.1047 Testing Records. (P)
9. Environmental site files including insurance claims. (P)
10. Records relating to disposal of hazardous waste. (five years)

**P. Engineering.**

1. Lab test reports. (ten years plus written approval of OGC)
2. Product tooling, design, specifications, blueprints (building systems, equipment layout, e.g.) and research data. (P)
3. Engineering change requests. (ten years)
4. Engineering change notices. (ten years)
5. Work orders. (five years)
6. Bills of material. (five years)
7. Safety related tests and inspection reports for existing products. (five years)
8. Performance testing. (five years)
9. Records showing quantities, sources, costs, shipment dates and related information for products assembled abroad with U.S. components. (five years from date of reentry)

**Q. Production.**

1. Inspection and maintenance Records. (five years)
2. Production reports. (five years)
3. Goods purchased by Company. (one year after inventory consumed)
4. Equipment acquisition Records. (five years)
5. Production schedules. (one year) (See also Fixed Assets, Section M, Plant and Property Records.)
6. Hard copies of email requests for Controlled Substances. (three years)
7. Hard copies of rejections to email requests for Controlled Substances. (three years)

**R. Quality Control and Inspection.**

1. Evaluation, inspection and test Records. (P)
2. Customer supplied service Records. (five years)
3. Customer complaint Records:
  - a. Consumer Complaints and related Records (no known or reasonably anticipated claim). – (five years after last contact to or from consumer and/or consumer's representative)
  - b. Consumer Complaints and related Records (open product liability claim/insurance claim). – no litigation) – (five years after last correspondence or contact with claimant)
  - c. Consumer Complaint and related Records (litigation resulted). – (one year after expiration of appeals or time for filing of appeals)
  - d. Log of all Consumer Complaints. – (current plus five years rolling, assuming log entry is first contact with consumer)
4. Equipment and instrument calibration Records. (five years)
5. Material substitution Records. (five years)
6. Supplier quality data. (five years)
7. Returned goods Records. (five years)
8. Ingredient and product specifications. (P)
9. Co-Packer product information. (seven years after termination of relationship)
10. Regulatory inspection reports. (P)
11. Kosher compliance Records. (P)
12. Third party lab/finished product analyses. (P)

**S. Food Safety**

1. HACCP program information and reports. (P)
2. Master sanitation schedule and reports. (P)
3. GMP guidelines. (P)
4. Vendor performance data and reports. (P)
5. Allergen control information and test reports. (P)
6. Vector control application, inventory, training Records. (P)
7. In-house inspection and audit reports. (P)

**T. Traffic and Transportation.**

1. Freight bills. (one year)
2. Bills of lading, waybills. (one year after delivery)
3. Freight claims. (one year after settlement)
4. Household moves. (one year after move)

**U. Sales and Marketing.**

1. Proposals to potential collaborators. (five years)
2. Advertising copy, media packets and presentations. (five years)
3. Marketing research and surveys, final marketing plans and implemented programs. (five years)
4. Syndicated consumption data, research studies, and performance topline reports (five years)
5. Copies of packaging materials and strategy or creative briefs. (five years)
6. Incentive programs, contests and sweepstakes Records. (five years following termination of program)
7. Rebate and co-op advertising programs. (five years)
8. Customer correspondence files. (five years)
9. Customer order files. (five years)
10. Export certificate of origin and information necessary to prepare certificate for exports to or imports. (five years)
11. Records relating to duty drawbacks on exports. (five years)
12. Trademark and copyright search results and registrations. (P)
13. Copyright permissions. (P)
14. Product idea submissions, both from employees and from unsolicited and unsolicited outside sources). (P)
15. Public Relations
  - a. Approved and disseminated press releases. (P)
  - b. Annual public relations plans. (current plus three years)
  - c. Approved background roll or other media kit elements. (current plus five years)
  - d. Interviews (print, radio or television). (P)
16. Pricing
  - a. Pricing and variety lists. (seven years)
  - b. Pricing studies. (one year)
  - c. Trade Promotions. (one year after issue)
  - d. Rebates (Distributor, Broker, and Customer). (seven years)

## **V. Route Sales**

### **1. Sales Distributors**

- a. Agreements. All agreements (Distribution, Lease, Bill of Sale, Security Agreement, etc.) for all route types (owned, leased, test). (seven years after termination)
- b. Curable and non-curable breach Records. (seven years after termination)
- c. Territory reviews, transfers, changes, adjustments etc.). (seven years after termination)
- d. Distributor training Records. (seven years after termination)
- e. Route binders. (Home office Record of transactions by year) (seven years)
- f. Distributor incentive programs. (seven years after termination)
- g. Applicant resumes, applications. (no contract) (six months)
- h. Distributor Business Reviews. (seven years after termination)
- i. President's Awards including nominations. (seven years after termination)

### **j. Route Service**

- i. Route tapes. (seven years after termination)
  - ii. Stale standards. (seven years after termination)
  - iii. Vacation schedules. (two years after issue)
  - iv. Terminated route service Records. (seven years after termination)
  - v. Billing summary/All HH computer Records. (seven years after termination)
  - vi. Billing summary/All Records for terminated routes. (seven years after termination)
  - vii. Regional Weekly Newsletter. (seven years after issue if contains news of policy change or other key announcement; otherwise one year after issue.)
- ### **k. Vehicles/Company Cars/Trucks/Equipment at Sales Center**
- i. Rebuilding Book. (seven years)
  - ii. Electronic file for truck inventory. (P)
  - iii. Truck file at Sales Center/Plant Location. (two years after termination)
  - iv. Company Car Policy. (P)
  - v. Company Cars Employee Usage Records. (one year after termination)

### **2. Trade Customers**

- a. Major Presentation/Contact Person. (five years)
- b. Reports/Contact Persons. (five years)
- c. Complaints/Contact Person. (five years)

### **3. Vendors (Tasty Customers)**

- a. Contracts. (seven years after termination)
- b. Other Vendor Records. (one year after termination)

### **4. Sales Center Plant Business, Billing and Operations**

- a. Original manual orders tallied by Sales Plant personnel and signed by Sales Distributor. (six months)
- b. Weekly/Period End Inventories. (one year)
  - i. Blind Inventory Count Sheet. (MI21) (one year)
  - ii. Completed Physical Inventory List. (MI24) (one year)
- c. Inventory Adjustments (ZMB52 and Inventory Adjustment Documentation). (six months)
- d. Outbound Delivery Monitor – For Goods Issued (VL06O). (six months)
  - i. Run daily and printed for processed orders. (six months)
- e. Pro-Forma changes or adjustments (Any changes made prior to PGI). (six months)
- f. Stale Credit/Returns. (six months)
- g. Shipment Discrepancies. (six months)
- h. Product transfers. (six months)
- i. Billing summaries. (seven years after termination)

- j. Route settlement summaries, Daily & Weekly. (seven years after termination)

5. Other

- a. Regional Manager Monthly Forecast. (two years after issue)
- b. Hand Held Computer Policy, instructions and related communications. (P)
- c. Plant Perpetual Inventory for Master Data. (two years after issue)
- d. Sales Center leases and related Records. (seven years after termination)
- e. Customer Service Promotion Letters. (one month after issue)
- f. Trade Plots. (two years after issue)
- g. District Sales Manager Manual. (current plus one year)
- h. Product List Auto Distribution. (one year)
- i. Holiday Planning Letter. (one year after issue)
- j. Blue Notes. (two years after issue)
- k. Product itinerary information. (seven years after issue)

**W. Credit Relating to Customers.**

- 1. Application for credit, approval forms, qualification reports. (one year after account becomes inactive)
- 2. Collection litigation files. (one year after legal settlement and satisfaction of judgment)
- 3. Customer financial statements. (Until superseded)
- 4. Guarantees and subordination agreements. (five years after termination and settlement of account)
- 5. Security agreements & financing statements. (five years after satisfaction)

**X. Procurement Material Control.**

- 1. Purchase order register. (five years)
- 2. Vendor files. (requisitions, purchase orders, quotations, correspondence) (five years)
- 3. Inventory control reports. (five years)

**Y. General.**

- 1. Books, professional periodicals, published reports, etc. (review regularly for usefulness and discard obsolete material)
- 2. Charitable contribution Records. (current plus seven years)
- 3. Consultants' reports. (five years)
- 4. Departmental budgets and related work sheets. (one year)
- 5. Major corporate and policy and procedure manuals. (originating department, receiving departments retain only current version)
- 6. Major speeches by corporate officers. (five years thereafter, review for historical value)
- 7. Material of historic value. (pictures, publications. etc) (P in custody of archives or public relations department)
- 8. Project files **not otherwise classified**. (including but not limited to specifications, status reports, meeting notes, agendas, plans, test documents, test results, training materials) – Review at close of project and retain 1 year for SOX auditing.
- 9. Trade association materials. (review annually for usefulness)
- 10. Records Management compliance forms and documentation, including requests for departure from Guidelines. (P)

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**APPENDIX B**  
to  
**Tasty Baking Company**  
**Records Management Policy**

**TBC RECORDS INVENTORY FORM**

1. Department	2. Location		
3. Class			
4. Sub Class			
5. Description			
6. Original File <input type="checkbox"/> Yes <input type="checkbox"/> No		7. Duplicate File <input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, list location of original file)	
8. Storage Media (check all that apply):		9. Privacy Classification	
<input type="checkbox"/> Paper		<input type="checkbox"/> Public	
<input type="checkbox"/> Microfilm		<input type="checkbox"/> Private	
<input type="checkbox"/> Computer (Hard Drive)		<input type="checkbox"/> Confidential	
<input type="checkbox"/> Electronic (File/Tape/Disk)		<input type="checkbox"/> Nonpublic	
<input type="checkbox"/> Other; Specify:		<input type="checkbox"/> Protected Nonpublic	
10. Retention Requirements	Years	Source	Citation (if applicable)
A. Federal Law/Reg			
B. State Law/Reg			
C. Statute of Limitations			
D. Audit Period			
E. Operational Needs			
F. Historical Value			
11. Recommended Retention Period Based on above		N/A	N/A
11.5 Comments, if any, regarding above recommended retention period.			
12. Vital Record (essential to continuation or resumption of company operations after disaster?) <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, why?	
13. Records Hold? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, describe:	
14. Inventory Completed By: _____ (Signature) Name and Title: Date:			

**APPENDIX C**  
**to**  
**Tasty Baking Company**  
**Records Management Policy**

**OFF-SITE STORAGE OF RECORDS**

1. Preparing Records for Storage. All Records to be stored off-site must be packed in a standard records storage carton (standard measurements are 15"Lx10"Wx12"H) and inventoried in a manner that will facilitate record retention, retrieval and ultimate disposition in compliance with the Records Management Policy and Guidelines. The **TBC Records Inventory Form** attached as Appendix B to the Records Management Policy and Guidelines can be utilized for this purpose. The completed TBC Records Inventory Form should be retained in a secure electronic file within your Operating Department for reference by you or others in the department.
2. Storage Boxes. Standard records storage cartons are available from the storage vendor (for a fee negotiated by the Company which will be charged to your Operating Department).
3. Labeling of Cartons. All cartons must be properly labeled with the vendor provided bar code label. The appropriate placement of the bar code label is indicated on the side of the vendor provided cartons. Additional information regarding receipt and use of bar codes and other vendor specific information about off-site storage will be provided to each Operating Department's Records Management Coordinator for dissemination to employees as needed, along with other vendor specific instructions.
4. Carton Transmittal Form. Prior to pick-up or shipping of the container to be stored, a **TBC Carton Transmittal Form** (Attached hereto as **Exhibit 1** to this Appendix C) must be completed and submitted to the person in your Operating Department designated by your Records Management Coordinator and authorized by the Company to access the storage vendor's live records management data base and tools via an Internet portal.
5. Completion of the Carton Transmittal Form. The Carton Transmittal Form includes descriptive fields and tags, customized by the Company. As noted on the Carton Transmittal Form, some fields and tags are mandatory and others are optional. When completing the Carton Transmittal Form, you should refer to the Records Management Policy and the Guidelines with respect to appropriate management of the record, consideration of the life cycle of the record, and determination of retention periods and destruction, if appropriate.
6. Electronic Indexing of Record and Container Information. As indicated in above, certain Company employees will have access to the vendor's web-based records management and storage tool. Each Operating Department will designate the person authorized to access the tool and such authorized user shall input to the vendor database the information employee custodians provide on the Carton Transmittal Forms. It is the responsibility of the employee custodian of the Record(s) who wishes to store the Record(s) off-site to fully and accurately complete the paper Form prior to requesting input to the vendor data base. Questions as to completion of the Form should be directed to the Records Management Coordinator of the Operation Department. The vendor's records management and storage tool will allow the Company to index their record, file and container information directly into the database, and will provide the Company with flexible, real-time access and control of Company Records. The web-based menu system provides for personalized or generic records searches, on-line supply orders, access to delivery and pick-up schedules and ETAs. Company users will also have the ability to run various administrative reports.

**Tasty Baking Company**  
**Records Management Policy**  
**Exhibit 1 to Off-Site Storage of Records (Appendix C)**  
**CARTON TRANSMITTAL FORM**

\*Container ID (Vendor Bar Code Number): \_\_\_\_\_

Alternate TBC ID, if Any: \_\_\_\_\_

\*TBC Account Code: \_\_\_\_\_

\*Operating Department Account Code: \_\_\_\_\_

\*Retention Designation: Permanent? ☐ Yes or ☐ No

If not designated for Permanent Retention, Destruction Date: \_\_\_\_\_

(Note: the Company will be contacted by vendor prior to any destruction.)

\*Record Origin: ☐ Philadelphia or ☐ Oxford

\*Record Function (Operating Department) \_\_\_\_\_

Instruction: Please choose from one of the following: Customer Service, Direct Sales, Executive, Finance, Human Resources, IT, Legal, Marketing, Office Services, Route Sales, or Supply Chain)

\*Record Sub Class: \_\_\_\_\_

Instruction: Please provide designated Operating Department subclasses. For example: i) Finance = Accounting, Accounting Operations, Accounts Receivable, Treasury, Internal Control or Investor Relations); and ii) Supply Chain = Receiving, Purchasing, Production, Safety, Training, Maintenance, Engineering, Quality Assurance, Food Safety, Research & Development or Environmental Services.

Additional Record Sub Class (if any): \_\_\_\_\_

Example 1: Alpha Numeric Sequence Begins: \_\_\_\_\_ Ends: \_\_\_\_\_

Example 2: Date Specific Sequence Begins: \_\_\_\_\_ Ends: \_\_\_\_\_

\*Container Description (255 character limit): \_\_\_\_\_

\*Container Contents (80 character limit): \_\_\_\_\_



**APPENDIX D**  
**to**  
**Tasty Baking Company**  
**Records Management Policy**

**RECORDS IMAGING**

**Document Imaging Analysis**

Department Managers contemplating the use of imaging systems must justify to the Records Management Coordinator and a Senior Vice President or Vice President of your Operating Department in writing why they would benefit from the use of imaging or document management technologies. In order to comply with current policy and establish appropriate controls for ensuring authenticity, security, and reliability, the analysis will need to cover the following topics:

**1. Disposition of Originals**

Department Managers should approach with extreme caution the disposition of original documents following conversion to digital images. Before undertaking an imaging process intended to destroy original documents, Department Managers should seek guidance from the Records Management Coordinator and the OGC.

**2. Cost Effectiveness**

Scanning documents and storing them as digital images may be more costly than retaining the documents in paper form.

**3. Compatibility**

Department Managers planning to implement document imaging must seek advice and direction from the Company's IT Department to ensure that the proposed system is compatible and consistent with the Company's overall technology strategy.

**4. Personal Information Protection**

Department Managers planning to implement document imaging must seek advice and input from their legal and information technology departments to ensure that the proposed system has adequate controls in place to secure the system from third-party intrusion or interference, and to protect personally identifiable information in compliance with the Company's confidentiality and privacy policies.

**5. Application of the Record Retention and Disposal Guidelines**

As record-keeping systems, all document-imaging systems must comply with the requirements of the Company's Record Management Policy. As a result, such systems must be configured to support the retention and disposition of images or documents in compliance with the Record Retention and Disposal Guidelines.

**APPENDIX E**  
**to**  
**Tasty Baking Company**  
**Records Management Policy**

**RECORDS SHREDDING**

At the discretion of any Operating Department Records Management Coordinator or Company Vice President, confidential or sensitive Records (as discussed in the Records Management Policy) which have met the retention requirements set forth in the Policy and Guidelines and which are not subject to a Records Hold, may be shredded, in accordance with the following procedures:

1. The Record Custodian or Operating Department Records Management Coordinator shall complete and sign a **TBC Records Inventory Form**.
2. If there is shredding equipment available within the Company facility, if such shredding equipment is accessible by employees, and if the shredder has the capacity and safety controls necessary to accommodate the volume and characteristics of the subject Records, upon permission of any Operating Department Records Management Coordinator and/or Vice President, the Records may be shredded on-site by the Record custodian, other designated Department member, or other designated Company representative.
3. If it is determined, in the discretion of any Operating Department Records Management Coordinator or Company Vice President that shredding is appropriate for the subject Records because of the storage location, volume and/or characteristics of the Records, the Records may be shredded by a Company authorized vendor in accordance with the contract provisions between the Company and the vendor. If an authorized vendor is utilized, the vendor shall be contacted by the Operating Department Records Management Coordinator or his or her designee, who shall prepare the appropriate vendor required Destruction Authorization Form and who shall arrange to have the Records shredded in accordance with the Company and vendor required procedures, either on-site or off-site. Additional information regarding vendor specific forms and procedures will be provided to each Operating Department's Records Management Coordinator for dissemination to employees as needed.
4. When using an authorized vendor, the Operating Department Records Management Coordinator or his or her designee shall be responsible for complying with the contract provisions in terms of vendor pick-up schedules, required storage containers, and required volume of records to be shredded. Each Operating Department shall be responsible for the costs associated with use of the Company approved shredding vendor.
5. If the requested shredding is completed by a Company approved vendor, the vendor must provide to the Company a certification of the destruction in written form.